

## **REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-3, 5-7, 9-10, 12, 14-15, 18-25, and 30-32 were pending in the application, of which Claims 1, 18, and 32 are independent. In the Final Office Action dated March 26, 2008, Claims 1-3, 5-7, 9-10, 12, 14-15, 18-25, and 30-32 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 3, 5-7, 9-10, 12, 14-15, 18-25, and 30-32 remain in this application with Claim 2 being cancelled without prejudice or disclaimer by this amendment. Applicants hereby address the Examiner's rejections in turn.

### I. Interview Summary

Applicants thank Examiner Long and Supervisor Hutton for the courtesy of a telephone interview on June 11, 2008, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 103. During the interview, the Examiner suggested including a recitation to further differentiate the electronic message handling rule. The Examiner indicated that while the current amendments may overcome the currently cited references, no agreement was reached regarding patentability.

### II. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated March 26, 2008, the Examiner rejected Claims 1-3, 5-7, 9-10, 12, 14-15, 18-25, and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over Syroid, et. al, Outlook 2000 In a Nutshell: A Power User's Quick Reference ("Syroid") in view of Microsoft Outlook (2000) ("*Outlook*") in further view of

U.S. Patent No. 6,101,485 ("*Fortenberry*"). Claims 1, 18, and 32 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "speaking selected text, and previewing the selected text and an advanced user interface object for defining the electronic message handling rule that contains all of the possible actions and all of the possible conditions."

Amended Claims 18 and 32 each includes a similar recitation. Support for these amendments can be found in the specification at least on page 12, lines 18-30 and page 13, lines 1-5 and page 13, lines 14-22 and page 16, lines 20-30 and page 17, lines 1-5.

In contrast, *Syroid* at least does not disclose the aforementioned recitations. For example, *Syroid* merely discloses that one may move freely between dialogs with a Next and Back button. (See *Syroid*, page 247, paragraph [007].) In *Syroid*, a user selects "Tools" and then selects "Rules Wizard" from a menu bar to open a dialog box in order to create a rule. (See *Syroid*, page 246, paragraph [004].) *Syroid* further discloses that when the dialog is opened, defined rules are displayed in an upper pane and the rules that are active are checked. (See *Syroid*, page 246, paragraph [004]; Figure 6-14.) In *Syroid*, in order to create a new rule, the "New" button must be clicked and then the wizard provides guidance through the necessary steps. (See *Syroid*, page 247, paragraph [007].) Accordingly, *Syroid* discloses that, after the user selects the "Rules Wizard," the user must click on the "New" button to create a new rule. *Syroid* further discloses that the user can then move between dialogs with the Next and Back

buttons. Consequently, *Syroid* does not disclose: i) speaking selected text, ii) previewing the selected text and iii) an advanced user interface object for defining the electronic message handling rule.

In addition, *Outlook* does not overcome *Syroid*'s deficiencies. *Outlook* merely discloses OUTLOOK screen shots for creating a rule. In OUTLOOK, a user; i) selects an electronic message; ii) opens the electronic message; iii) clicks on "Actions;" iv) then "Create Rule;" and v) a similar box as disclosed in *Syroid* appears. (See *Outlook*, Figures 1-4.) Because *Outlook* discloses screen shots for creating a rule, like *Syroid*, *Outlook* does not teach or suggest: i) speaking selected text, ii) previewing the selected text and iii) an advanced user interface object for defining the electronic message handling rule.

Furthermore, *Fortenberry* does not overcome *Syroid*'s and *Outlook*'s deficiencies. *Fortenberry* merely discloses programming a shopper activatable indicia to include a first activatable icon for selecting a product for purchase and a second activatable icon for entering a product's quantity to be purchased for each product in a subset. (See *Fortenberry*, col. 2, lines 42-46.) *Fortenberry* further discloses programming a first e-mail message to include a third activatable icon for accessing a search utility at an e-commerce site and programming the first e-mail message to include a fourth activatable icon for accessing a shopping utility at the e-commerce site. (See *Fortenberry*, col. 2, lines 50-55.) Because *Fortenberry* merely discloses i) selecting a product for purchase; ii) entering a quantity of a product to be purchased; iii) accessing a search utility at an e-commerce site; and iv) accessing a shopping utility at the e-commerce site, like *Syroid* and *Outlook*, *Fortenberry* does not teach or suggest: i) speaking selected text, ii)

previewing the selected text and iii) an advanced user interface object for defining the electronic message handling rule.

Combining *Syroid* with *Outlook* and *Fortenberry* would not have led to the claimed invention because *Syroid*, *Outlook*, and *Fortenberry*, either individually or in combination, at least do not disclose or suggest “speaking selected text, and previewing the selected text and an advanced user interface object for defining the electronic message handling rule that contains all of the possible actions and all of the possible conditions,” as recited by amended Claim 1. Amended Claims 18 and 32 each includes a similar recitation. Accordingly, independent Claims 1, 18, and 32 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 18 and 32.

Dependent Claims 3, 5-7, 9-10, 12, 14-15, 19-25, and 30-31 are also allowable at least for the reasons described above regarding independent Claims 1 and 18, and by virtue of their respective dependencies upon independent Claims 1 and 18. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 3, 5-7, 9-10, 12, 14-15, 19-25, and 30-31.

### III. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the

claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

Date: June 24, 2008

By: /D. Kent Stier/  
D. Kent Stier  
Reg. No. 50,640

DKS:sm

